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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

MALIBU MEDIA, LLC,	)	17 0508
Plaintiff,	)	Civil Case No. ________________
v.	)	
JOHN DOE subscriber assigned IP Address 71.225.199.128,	)	
Defendant.	)	

COMPLAINT-ACTION FOR DAMAGES FOR PROPERTY RIGHTS INFRINGEMENT

Plaintiff, Malibu Media, LLC, sues Defendant John Doe subscriber assigned IP address 71.225.199.128, and alleges:

Introduction

1. This matter arises under the United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 et seq. (the "Copyright Act").

2. Defendant is a persistent online infringer of Plaintiff's copyrights. Defendant's IP address as set forth on Exhibit A was used to illegally distribute each of the copyrighted movies set forth on Exhibit B.

3. Plaintiff is the registered owner of the copyrights set forth on Exhibit B (the "Copyrights-in-Suit").

Jurisdiction And Venue

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (patents, copyrights, trademarks and unfair competition).

5. Plaintiff used proven IP address geolocation technology which has consistently worked in similar cases to ensure that the Defendant's acts of copyright infringement occurred using an Internet Protocol address ("IP address") traced to a physical address located within this District, and therefore this Court has personal jurisdiction over the Defendant because (i) Defendant committed the tortious conduct alleged in this Complaint in this State, and (ii) Defendant resides in this State and/or (iii) Defendant has engaged in substantial and not isolated business activity in this State.

6. Based upon experience filing over 1,000 cases the geolocation technology used by Plaintiff has proven to be accurate to the District level in over 99% of the cases.

7. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and (c), because: (i) a substantial part of the events or omissions giving rise to the claims occurred in this District; and, (ii) the Defendant resides (and therefore can be found) in this District and resides in this State; additionally, venue is proper in this District pursuant 28 U.S.C. § 1400(a) (venue for copyright cases) because Defendant or Defendant's agent resides or may be found in this District.

Parties

8. Plaintiff, Malibu Media, LLC, (d/b/a "X-Art.com") is a limited liability company organized and existing under the laws of the State of California and has its principal place of business located at 9701 Wilshire Blvd., 10th Floor, Beverly Hills, CA 90212.

9. Plaintiff only knows Defendant by his, her or its IP Address. Defendant's IP address is set forth on Exhibit A.

10. Defendant's Internet Service Provider can identify the Defendant.

Factual Background

I. *Defendant Used the BitTorrent File Distribution Network To Infringe Plaintiff's Copyrights*

11. The BitTorrent file distribution network ("BitTorrent") is one of the most common peer-to-peer file sharing systems used for distributing large amounts of data, including, but not limited to, digital movie files.

12. BitTorrent's popularity stems from the ability of users to directly interact with each other in order to distribute a large file without creating a heavy load on any individual source computer and/or network. The methodology of BitTorrent allows users to interact directly with each other, thus avoiding the need for intermediary host websites which are subject to DMCA take down notices and potential regulatory enforcement actions.

13. In order to distribute a large file, the BitTorrent protocol breaks a file into many small pieces. Users then exchange these small pieces among each other instead of attempting to distribute a much larger digital file.

14. After the infringer receives all of the pieces of a digital media file, the infringer's BitTorrent client software reassembles the pieces so that the file may be opened and utilized.

15. Each piece of a BitTorrent file is assigned a unique cryptographic hash value.

16. The cryptographic hash value of the piece ("piece hash") acts as that piece's unique digital fingerprint. Every digital file has one single possible cryptographic hash value correlating to it. The BitTorrent protocol utilizes cryptographic hash values to ensure each piece is properly routed amongst BitTorrent users as they engage in file

sharing.

17. The entirety of the digital media file also has a unique cryptographic hash value ("file hash"), which acts as a digital fingerprint identifying the digital media file (e.g. a movie). Once infringers complete downloading all pieces which comprise a digital media file, the BitTorrent software uses the file hash to determine that the file is complete and accurate.

18. Plaintiff's investigators, IPP International UG and Excipio GmbH established a direct TCP/IP connection with the Defendant's IP address as set forth on Exhibit A.

19. Plaintiff's investigators downloaded from Defendant one or more pieces of each of the digital media files identified by the file hashes listed on Exhibit A.

20. Each digital media file as identified by the file hash listed on Exhibit A correlates to a copyrighted film owned by Plaintiff, as set forth on Exhibit B.

21. A full copy of each digital media file was downloaded from the BitTorrent file distribution network, and it was confirmed through independent calculation that the file hash correlating to each file matched what is listed on Exhibit A. At no point was Plaintiff's copyrighted content uploaded to any other BitTorrent user.

22. Each digital media file as identified by the file hash listed on Exhibit A has been verified to contain a digital copy of a movie that is identical (or alternatively, strikingly similar or substantially similar) to Plaintiff's corresponding original copyrighted work listed on Exhibit B.

23. Plaintiff owns the copyrights to the original works (the "Copyrights-in-Suit"). An overview of the Copyrights-in-Suit, including each hit date, date of first publication, registration date, and registration number issued by the United States

Copyright Office is set forth on Exhibit B.

24. Defendant downloaded, copied, and distributed a complete copy of Plaintiff's works without authorization as enumerated on Exhibits A and B.

25. Plaintiff's investigators connected, over a course of time, with Defendant's IP address for each digital media file identified by the hash value as listed on Exhibit A. The most recent TCP/IP connection between IPP and the Defendant's IP address for each file hash value listed on Exhibit A is included within the column labeled Hit Date UTC. UTC refers to Universal Time which is utilized for air traffic control as well as for computer forensic purposes.

26. Plaintiff's evidence establishes that Defendant is a habitual and persistent BitTorrent user and copyright infringer.

Miscellaneous

27. All conditions precedent to bringing this action have occurred or been waived.

28. Plaintiff has retained counsel and is obligated to pay said counsel a reasonable fee for its services.

COUNT I
Direct Infringement Against Defendant

29. The allegations contained in paragraphs 1-28 are hereby re-alleged as if fully set forth herein.

30. Plaintiff is the owner of the Copyrights-in-Suit, as outlined in Exhibit B, each of which covers an original work of authorship.

31. By using BitTorrent, Defendant copied and distributed the constituent elements of each of the original works covered by the Copyrights-in-Suit.

32. Plaintiff did not authorize, permit or consent to Defendant's distribution of its works.

33. As a result of the foregoing, Defendant violated Plaintiff's exclusive right to:

(A) Reproduce the works in copies, in violation of 17 U.S.C. §§ 106(1) and 501;

(B) Redistribute copies of the works to the public by sale or other transfer of ownership, or by rental, lease or lending, in violation of 17 U.S.C. §§ 106(3) and 501;

(C) Perform the copyrighted works, in violation of 17 U.S.C. §§ 106(4) and 501, by showing the works' images in any sequence and/or by making the sounds accompanying the works audible and transmitting said performance of the works, by means of a device or process, to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definitions of "perform" and "publically" perform); and

(D) Display the copyrighted works, in violation of 17 U.S.C. §§ 106(5) and 501, by showing individual images of the works non-sequentially and transmitting said display of the works by means of a device or process to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definition of "publically" display).

34. Defendant's infringements were committed "willfully" within the meaning of 17 U.S.C. § 504(c)(2).

WHEREFORE, Plaintiff respectfully requests that the Court:

(A) Permanently enjoin Defendant and all other persons who are in active concert or participation with Defendant from continuing to infringe Plaintiff's copyrighted works;

(B) Order that Defendant delete and permanently remove the digital media files relating to Plaintiff's works from each of the computers under Defendant's possession, custody or control;

(C) Order that Defendant delete and permanently remove the infringing copies of the works Defendant has on computers under Defendant's possession, custody or control;

(D) Award Plaintiff statutory damages per infringed work pursuant to 17 U.S.C. § 504(a) and (c);

(E) Award Plaintiff its reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505; and

(F) Grant Plaintiff any other and further relief this Court deems just and proper.

DEMAND FOR A JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

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IPP International U.G. Declaration Exhibit A
File Hashes for IP Address 71.225.199.128

ISP: Comcast Cable
Physical Location: Philadelphia, PA

Hit Date UTC	File Hash	Title
09/05/2016 03:04:45	5339683D29F494F68C4DB38747FCB54BF6B4A054	Love Is Sexy
09/05/2016 03:01:46	9DDF69A7085E60CFE619236137D8759D95286485	Pussy Party
09/05/2016 02:52:45	A0D54E484BC0585E95DEC90EAE10467A21D07534	The Call Girl
07/31/2016 03:49:30	24749B2D2FA20F38142DF7E7AFC4536AF7338948	The Cabin And My Wood
07/13/2016 03:23:24	3CD4FFAF5440DFE6A6E9BE4946542C08ECB5C417	Threesome With a View
06/26/2016 15:59:19	29F22087D08778A5F07FA7D88C9F1B70E27DA387	A Fucking Hot Threesome
06/23/2016 04:24:48	8452DAA85A5E5CEC55B74E40C7E573E763C13BF6	Happy Birthday Capri
05/31/2016 12:35:01	224B78B1418C8B24B8625DDC3701BA2E3A7BD1F8	Summertime Lunch
05/14/2016 00:14:21	989D3AAB52ED5C5479D21B00229D881241A1CBDA	Starting Over
05/13/2016 03:23:52	23D71A2FA58CCC0BFF332362FAD01AFDDD3E42BC	Are You Man Enough
05/12/2016 04:00:18	2D977CF21E6554D14D2FCAF8763E43CA6636E264	Luckiest Man Alive
05/12/2016 03:57:21	0989CB77070D67E14B3FF445DB09F9E9017351AC	Asstastic
05/11/2016 23:48:04	0ADB67CD87CEB7320C671BDDFC20383BB2183F72	Jillian Multiple Orgasms
05/11/2016 21:43:16	A450E529C2A9447C96F8B38790EE61863AB27AD2	Kacey Jordan Does Xart
05/11/2016 15:07:56	5759DA2D7B68F5E0103CD31A0B9E0489CBF5C74E	Suds And Sex
04/25/2016 22:35:19	89CB2C895F098AD237899C95F00E9B1CFA9FC6A3	Happy Couple
04/23/2016 17:43:16	CA05BEEA4160AA8CE6D40729CF807C9C83C10A99	Infinite Luvv

Total Statutory Claims Against Defendant: 17

Copyrights-In-Suit for IP Address 71.225.199.128

ISP: Comcast Cable
Location: Philadelphia, PA

Title	Registration Number	Date of First Publication	Registration Date	Most Recent Hit UTC
Love Is Sexy	PENDING	07/18/2016	09/13/2016	09/05/2016
Pussy Party	PENDING	07/23/2016	09/13/2016	09/05/2016
The Call Girl	PENDING	07/30/2016	09/13/2016	09/05/2016
The Cabin And My Wood	PA0001973997	11/01/2015	11/16/2015	07/31/2016
Threesome With a View	PENDING	04/15/2016	05/24/2016	07/13/2016
A Fucking Hot Threesome	PA0001957700	08/07/2015	08/17/2015	06/26/2016
Happy Birthday Capri	PA0001846087	05/24/2013	06/17/2013	06/23/2016
Summertime Lunch	PA0001907078	07/11/2014	07/25/2014	05/31/2016
Starting Over	PA0001803663	08/27/2012	09/10/2012	05/14/2016
Are You Man Enough	PA0001950761	07/05/2015	07/13/2015	05/13/2016
Luckiest Man Alive	PENDING	02/04/2016	02/17/2016	05/12/2016
Asstastic	PENDING	05/07/2016	05/24/2016	05/12/2016
Jillian Multiple Orgasms	PENDING	04/06/2016	04/13/2016	05/11/2016
Kacey Jordan Does Xart	PA0001916065	10/04/2014	10/06/2014	05/11/2016
Suds And Sex	PENDING	03/03/2016	03/16/2016	05/11/2016
Happy Couple	PA0001794461	06/25/2012	06/25/2012	04/25/2016
Infinite Luvv	PA0001958606	08/12/2015	08/18/2015	04/23/2016

Total Malibu Media, LLC Copyrights Infringed: 17